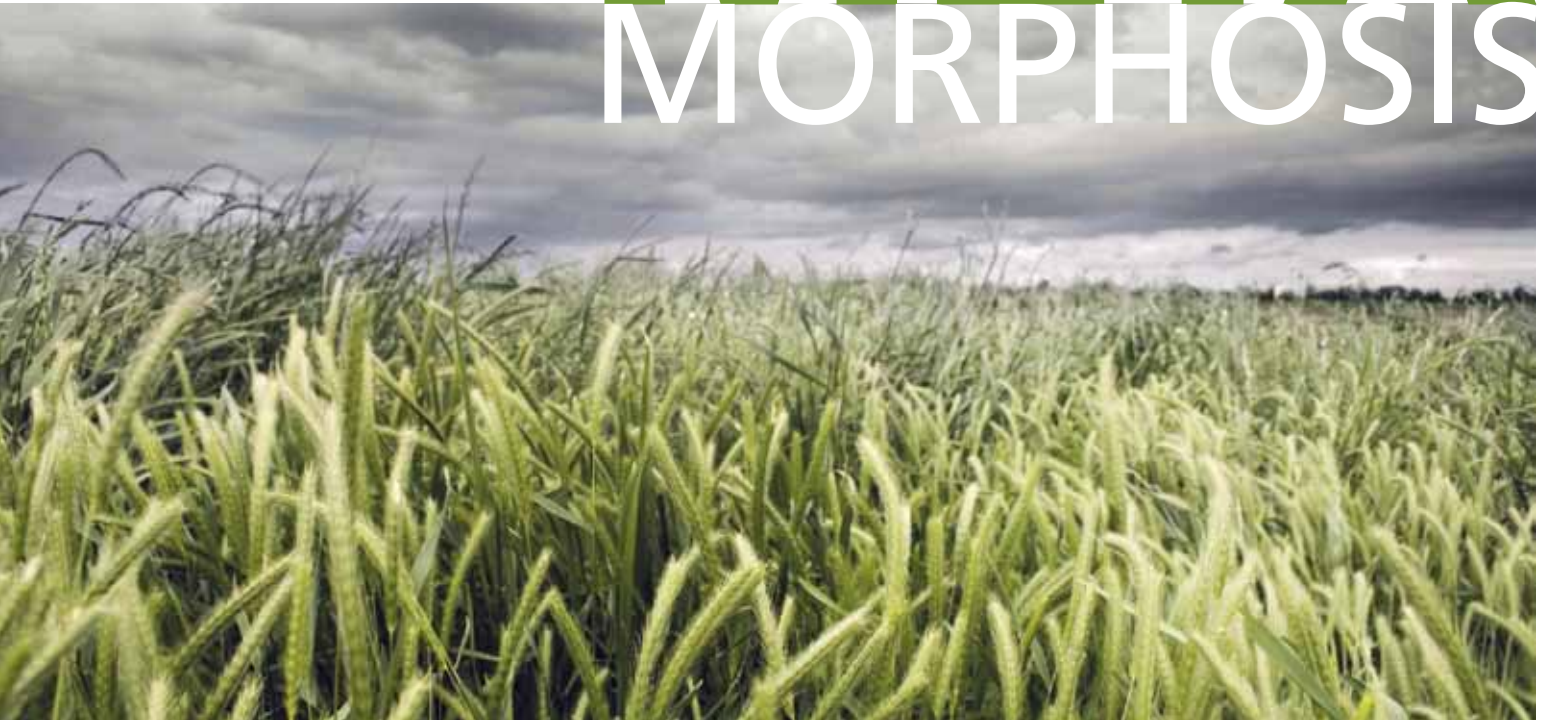




META MORPHOSIS



HEAVY CLIMATE SHOCKS AHEAD!

By John Hontelez, EEB Secretary General

Editorial

December was exhausting and exciting for anyone working on climate change in the EU. Passionate negotiations took place in parallel in Brussels and the Polish city Poznan. Campaigning by environmentalists as well as business stepped up and politicians became increasingly nervous because not only their political convictions but also their reputations were at stake. Organisations such as trade unions, caught in the middle of short-sighted industrialists and forward-thinking environmentalists, were under extra pressure because of rising unemployment in the wake of the financial crisis.

December brought Brussels at least one clear result: an agreement between the European Parliament, Member States and the Commission on a set of climate-related policies: implementation of an EU target of 20% greenhouse gas (GHG) reduction by 2020, promotion of renewable energy, sustainability criteria for biofuels, agreement on underground storage of CO₂ and energy efficiency requirements for passenger cars. These results were achieved under strong pressure from the French Presidency, with President Sarkozy putting his political weight and abundant energy behind the effort. As a result, important concessions were made to interest groups, which undermined the credibility

and environmental effectiveness of the package. One clear example of such a concession was the outcome on biofuels. Against mounting evidence that many forms of biofuels will not deliver substantial GHG reductions, in particular if their indirect impacts are considered (such as increased demand for productive land resulting in clearance of forests that once served as carbon-sinks). Biofuels have become a form of energy security, with vastly exaggerated potential and a heavily marginalised environmental dimension (see also article on page 6).

Another example was the cars compromise. Ten years ago the car industry agreed to increase energy efficiency by an average of 5 liters/100 km by 2012. By 2006 it became clear they were going to fail. The car industry launched a huge campaign with Angela Merkel as its main political lobbyist, resulting in a target of 5.5 liters by 2015. The law has so many loopholes car producers have to do very little in the coming years and penalties for missing the targets are so low that they do not create sufficient deterrent. An average 4 liter/100 km per car target by 2020 was one good result of negotiations, but unfortunately this target is provisional and will be reviewed in 2013.

> Continued on page 8

EXPECTATIONS FOR THE CZECH PRESIDENCY



Czech Republic, a small country of 10 million people in the heart of Europe, is the second new Member State to take over the EU presidency, which began for the Czechs at the start of 2009. The country has unusually wild, natural landscapes in its national parks and as well as the complete opposite – heavily damaged landscapes caused by surface brown coal mining, coal-fired power plants and metallurgy. It is a country with high CO₂ emissions per capita, created by a heavy industry share, automobile emissions and low energy efficiency in housing. Just as its landscape is full of extremes,

the Czech presidency may demonstrate the conflicts caused by the differing agendas of major players and a turbulent political situation at home.

The key priorities of the Czech presidency, as presented by the Czech government, are the three 'E's': Economy, Energy and Europe in the world. The Czech presidency has also set priorities for the environment in four major areas: protection of the climate, human health and the environment (including the Industrial Emissions Directive, National Emissions Ceilings Directive and a new mercury treaty), biodiversity as well as sustainable consumption and production.

Preparing for success at the global negotiations on climate change is a clear priority, as expressed by the Czech Ministry of Environment (MoE) and both European and Czech environmental NGOs. "In the field of climate protection, the Presidency will conduct preparatory negotiations in order to achieve a global agreement on targets for reducing

greenhouse gas emissions after 2012, in line with the EU's commitment to keeping a maximum increase of the average global temperature at 2°C by 2050," says the press release of the Czech MoE.

NGOs have additional expectations for enhancing the REACH process with progress on new substances and more restrictions under the Stockholm Convention on persistent organic pollutants.

We also hope that the Czech presidency will be able to motivate key players at the European and global levels at crucial international meetings such as UNEP Governing Council in February on adoption of a treaty on mercury and in European Council on the IPPC Directive recast. We are also looking for strong leadership in the fields of enforcement and transparency of EU environmental policies.

By Jindrich Petrich, Arnika Association Czech Republic and EEB Board Member representing Czech NGOs.

THE FRENCH PRESIDENCY: GREAT EXPECTATIONS, GREAT FRUSTRATIONS



The previous French EU presidency, led by a government dominated by socialists, ended with the Nice Treaty (or the "not so nice" treaty as we called it then...) The most recent presidency was led by a right-wing government and encountered many unexpected problems, resulting in many frustrations for environmental NGOs in France and other Member States. The impact of this presidency is outlined here based on our expectations listed in Metamorphosis No. 50 (July 2008). In France we witnessed some genuine efforts to inform the

public about the importance of EU environmental legislation, but have the following concerns:

- | The energy package is rather worrying: "the devil is hiding in the details." The proposed policies to reduce the consumption of energy lack ambition.
- | The moves to ensure more sustainable agriculture were too timid.
- | The initiatives to develop truly sustainable transport policy did not achieve the stated goals.
- | The proposal for a Framework Directive on Soil was badly managed, so the Czech presidency will have to work very hard on this very important issue.
- | We are angry about access to justice. The "country of law," as the Chinese call France, does not consider it a fundamental right and therefore deny the need for a common policy on access to justice in environmental matters.
- | We fear that developing countries will be encouraged to produce biofuels and export them

to the E.U., undermining progress made on addressing deforestation.

| As long as good products are handicapped by the existence of harmful subsidies, progress on implementing sustainable consumption and production can only be slow!

We all know very well that there is no magic wand provided with the presidency of the European Union. But the French results are nevertheless disappointing, all the more so now that we are experiencing a financial crisis that is making it more difficult to address environmental problems. We hope that soon decision-makers will become fully aware that protection of the environment involves the protection of citizens' health and jobs.

By Georges Cingal, EEB Vice President and Board Member representing French NGOs

EEB'S 10 GREEN TESTS FOR THE CZECH PRESIDENCY OF THE EU

1. WORK TOWARDS A LOW-CARBON EUROPE AND PLANET

- | Consider new climate science showing that the 2° C limit can only be met with 350-400 ppm CO_{2e} (carbon dioxide equivalent) maximum atmospheric concentrations and start discussions on stricter climate change objectives, including for the EU accelerated emission reductions of 40% from 1990 to 2020.
- | Adapt the Lisbon Strategy and the European Economic Recovery Plan to focus on energy and resource efficiency and renewables and refrain from traditional infrastructure initiatives that will increase pressure on the environment.
- | Boost investments in energy efficiency of buildings by prioritising adoption of the new Energy Performance of Buildings Directive. Increase its ambitions by requiring that, at the latest by 2020, all new buildings are zero- or positive energy and for existing buildings all renovations will trigger energy efficiency requirements.
- | Ensure that enough public funding is committed to making investing in energy efficiency more affordable particularly for low-income-groups. Mobilise a large share of EU Structural Funds, EIB and other funds and fiscal incentives for energy efficiency improvements in buildings, including social housing.
- | On the Road to Copenhagen, agree on a significant EU fund for mitigation and adaptation to climate change in developing countries and underline the EU's willingness to change to a 30% reduction by 2020 if Copenhagen is successful.

2. BIODIVERSITY AND CLIMATE CHANGE ADAPTATION

- | Take initiative for an Ecosystem Rescue Plan that not only seeks to halt the loss of biodiversity but actually ensures the restoration of eco-system functionality.
- | Ensure EU funding for adaptation measures to climate change in developing countries.
- | Ensure sufficient funding for SEBI2010 (Streamlining European 2010 Biodiversity Indicators) for its key role in evaluating EU progress on biodiversity protection.
- | Promote the resilience of natural and human systems, their capacity to deal with change without losing their functionality, as the fundamental tenet of a European Adaptation to

Climate Change Strategy, including by improving the implementation of EU's Nature Directives, the protection of large natural habitats and developing a 'Green Infrastructure' for Europe.

- | Ensure Council supports a comprehensive EU framework on Invasive Species with the highest priority given to the prevention of new introductions.

3. SUSTAINABLE PRODUCTION AND CONSUMPTION

- | Broaden the scope of the Ecodesign Directive beyond proposed energy-related products to cover all products and impose by 2011 compulsory assessment of current methodology for preparing product specific measures to take into account significant environmental impacts beyond energy consumption in the use phase.
- | Improve the Ecolabel Regulation by clearly defining its objectives as a mark of environmental excellence addressing all environmental impacts (including hazardous chemicals content and end-of-life) without undermining its credibility.
- | Insist the Commission produce its roadmap for the elimination of environmentally hazardous subsidies, which was promised in 2008.
- | Ensure the reviewed Energy Tax Directive substantially increases the minimum rates of taxation for energy and dramatically reduces existing exemptions.
- | Support the implementation of differentiated VAT according to use of energy and natural resources. Implement 'bonus-malus' schemes and other fiscal incentives to promote energy efficient products, goods and services.

4. REDUCE MERCURY USE GLOBALLY

- | Present a unified and strong EU position at the February session of the UNEP Governing Council for a free-standing legally binding instrument addressing, amongst others, the reduction of mercury supply (including storage and trade), its use in products and processes and atmospheric mercury emissions (through Best Available Techniques [BAT] or otherwise).
- | Insist that an International Negotiating Committee will immediately begin drafting text.
- | Continue intensive dialogue with key non-EU governments and stakeholders and work actively towards resolving remaining differences to ensure a positive result.

5. IMPLEMENT A COHERENT FRAMEWORK FOR INDUSTRIAL POLLUTION PREVENTION AND CONTROL

- | Keep the recast of the Industrial Pollution Prevention and Control (IPPC) Directive water tight: stick with the scope of Commission's proposals for change.
- | Maintain existing Emission Limit Values in sectoral directives as a critical safety net and ensure their tightening to reflect emission levels achievable through application of BAT.
- | Support the extension of the EU safety net (minimal binding requirements) to other IPPC sectors upon adoption of the relevant revised BAT Reference Document (BREF).
- | Ensure transparency in implementation by making permit applications and permits permanently available to public on national websites.
- | Make BREFs obligatory for permitting authorities. Ensure that authorities set emission limit values that do not exceed BAT emission levels as described in BREFs.

> Continued on page 4

In this issue

p.1	Editorial Heavy Climate Shocks Ahead!
p.2	Expectations For The Czech Presidency
p.2	The French Presidency: Great Expectations, Great Frustrations
p.3	EEB's 10 Green Tests for the Czech Presidency of the EU
p.4	Keeping european water reform on a firm course
p.5	EEB Member Focus
p.6	Campaign updates
p.7	Hot off the Press!
p.8	Reform of company car tax in germany: urgent and long overdue
p.9	Are manufacturers really responsible for their own e-waste?
p.9	More transparency or more restricted access to documents - what will we get?
p.10	In the midst of crises: setting a green and social agenda for the next decade
p.11	A conference on energy efficiency in housing: EU tools to unlock the potential
p.12	New staff Recent EEB Publications

> Continued from page 3

| Establish BREF review as a trigger for permit review in order to secure continuous improvement in environmental performance.

| Reject an emissions trading scheme for the local pollutants sulphur dioxide and nitrogen and the option to comply via a National Emission Reduction Plan (NERP)

6. ADOPT THE SOIL FRAMEWORK DIRECTIVE

Re-start work on the basis of the agreement of 22 Member States at the December 2007 Environment Council and ensure a Common Position that will include:

| A clear legal obligation to decontaminate polluted sites and application of the "polluter pays" principle as an incentive to industry to avoid polluting in future.

| An effective and mandatory approach to addressing soil degradation processes caused by unsustainable land use practices.

| A clear requirement for Member States to address current rates of soil sealing.

7. WORK TOWARDS WASTE POLICIES REFLECTING RESOURCE SCARCITY AND PRESERVATION

| In response to the Commission's Biowaste Green Paper, call for a Biowaste Directive introducing requirements for separate collection and targets for composting, to be delivered during 2009.

| Improve the Commission's proposal for the revision of the Waste Electrical and Electronic Equipment (WEEE) Directive, respecting the recast procedure. Include setting specific collection targets for each product category and at the very least for small appliances such as lamps.

8. BRING NATIONAL EMISSION LIMITS DOWN

| Insist that the Commission publishes its draft revision of the National Emissions Ceiling (NEC) Directive without further delay.

| Demand stricter interim air quality targets for 2020 according to the objectives of the Sixth Environmental Action Programme.

| Support tighter national caps for the five pollutants (SO₂, NO_x, volatile organic compounds, and ammonia) already regulated in the Directive.

| Insist on ambitious first-ever national caps on emissions of fine particulate matter (PM_{2.5}), which is the pollutant with the greatest impact on human health and health risks even higher than PM₁₀.

| Require additional emission abatement measures within the national programmes for the Directive's implementation.

9. ENSURE ENFORCEMENT OF EU ENVIRONMENTAL POLICIES

| Re-launch negotiations on the Access to Justice Directive as a tool to increase pressure on public authorities and private actors to respect and apply environmental law.

| In the review of the Regulation on Access to EU Documents, refuse any weakening of Regulation 1049/2001, ensure more respect for deadlines from the side of authorities and require more openness of documents under the Commission's control during infringement and EU legislation conformity cases.

| In response to the Commission Communication on this subject, broaden the debate on

improving implementation and enforcement of EU environmental law.

| Encourage and support Commission initiatives to deal with its enforcement obligations in a transparent and timely manner.

| Increase public involvement, through open and transparent infringement procedures with improved access to administrative documents and access to justice, as required by the Aarhus Convention.

10. MOVE TOWARDS A PRECAUTIONARY CHEMICAL POLICY THAT PUTS HEALTH AND ENVIRONMENTAL PROTECTION IN CENTRE STAGE

| Show leadership in COP 4 negotiations on eliminating persistent organic pollutants (POPs) by advocating the addition of the nine candidate substances to Annex A of the Stockholm Convention.

| Strengthen the Restriction of Hazardous Substances (RoHS) Directive by targeting the phase out of elemental bromine and chlorine as well as phthalates and other hazardous chemicals in electronic products. Extend the scope of the restriction to other product categories (i.e., medical devices and monitoring/control instruments). Keep the REACH process separate from the RoHS review.

| Extend the range of substances of very high concern (SVHC) to be evaluated under REACH for substitution with safer alternatives.

EUROPEAN WATER REFORM AT THE CROSSROADS



By the end of 2009 EU Member States must finalise River Basin Management Plans (RBMPs) required under the EU Water Framework Directive (WFD). These plans are intended to restore the health of Europe's rivers, lakes and wetlands by 2015 and forge a path towards sustainable water management. In these plans Member States need to demonstrate whether they will take responsibility and finally effectively tackle long standing problems like diffuse pollution and over

abstraction as well as relatively new ones like over engineering of rivers. Shying away from this responsibility will mean paying the bill further down the road in the form of diminishing water supplies, negative impacts on the economy and greater exposure to catastrophic events.

At a time when the world is struggling with a financial crisis it is critical that reforming Europe's water management is an integral part of a comprehensive, systematic and sustainable European response. The consequences of the global ecological crisis, caused by a massive overdraft on the world's natural capital including water resources, are much graver and more permanent than the current economic crisis as nature does not do bail-outs.

In this context EEB and WWF have identified 5 priorities which must be most urgently tackled in order to provide focus and ambition for the emerging RBMPs: 1) Transparent and publicly owned water management; 2) Reducing wastage and using water well; 3) More space for living rivers; 4) Healthy, safe water for people and nature; and 5) Visionary and adaptive water policies.

These priorities are based on WFD legal requirements and are the result of a decade of EEB and WWF involvement in EU water policy reform. According to the WFD schedule EU governments should have launched a 6-month public consultation on December 23 on their draft RBMPs with the purpose of actively involving EU citizens in decision making on this important resource. EEB will use these 5 priorities as a set of headline indicators for assessing, comparing, rating and proposing improvements to the draft plans.

By Pieter de Pous, EEB Water Policy Officer



EEB MEMBER FOCUS

News from EEB members and working groups



ZELENÝ KRUH BRINGS TOGETHER ENVIRONMENTAL NGOS IN THE CZECH REPUBLIC

Zelený kruh (Green circle) is an association bringing together 28 environmental organisations from across the Czech Republic. It is one of the oldest Czech NGOs, established in November 1989 during the Velvet Revolution with the aim of creating conditions for the emergence of environmental citizens' organisations and making their activities efficient. Times have changed since then. Czechs have gotten over their excitement and begun to face the realities of capitalism and consumerism, now hoping for a better future with deeper changes in society and values.

But a profound improvement of the environment during the 90s represented big progress. At the beginning of the 21st century with our accession to the EU we realised that we have to work hard to improve the environment further and make our lives sustainable.

The Czech presidency and the environment are connected not only by actual agendas, but unfortunately also by our well-known EU and climate-sceptical president Vaclav Klaus. But Klaus does not have as strong a position as Sarkozy and the voice of Klaus is neither the voice of the Czech administration, nor the voice of the Czech public. According to polls, a majority of Czechs are deeply concerned with the impacts of climate change and see membership in the EU as a good step towards the sustainable future and prosperity of the Czech Republic.

The current problems of the financial crisis, rising unemployment and unstable gas supplies to the EU from Russia all have environmental consequences

and need to be solved together with climate change, loss of biodiversity and other environmental problems. Therefore Zelený kruh welcomes the attitude of EEB in cooperating with NGOs from other sectors and trying to make complex suggestions for such global problems. Zelený kruh tries to play a similar role in the Czech Republic.

The aim of our activities in general is to strengthen public participation in environmental matters and to assist NGOs in environmental protection, sustainable development and the creation of civic initiatives. The Czech presidency is a good opportunity to make our work more effective by increasing international cooperation and the impact of our activities.

So please Europeans, don't listen to Klaus only because he is controversial. The Czech presidency can make a difference and NGOs should support it with critical but encouraging input.

By Ondrej Rut, Zeleny Kruh EU Centre Coordinator



NO TIME TO WASTE! EEB's waste working group met in December to discuss the future at the dawn of the new EU Waste Framework Directive.

The EEB waste working group met on 11-12 December to discuss next steps on the path to the sustainable management of resources. Part of the working group's activities included a half-day waste conference, "From waste to resources: next steps on the path to sustainability." In addition to EEB and Waste Working Group members, the conference was attended by industry representatives, Commission personnel, members of civil society organisations and other stakeholders.

The conference took place on the date of the entry into force of the new waste framework directive. Willy de Backer from Global Ecological Footprint

gave an overview of the challenges and urgency of better management of natural resources. Klaus Kogler from the European Commission presented the next steps in the management of natural resources and prevention and recycling of waste at European level. A panel of stakeholders challenged the Commission on issues such as producer responsibility, ecodesign and more active promotion of recycling and reuse. The group also discussed the limitations of the political space available for addressing sustainable resource management.

The waste working group also went on a study trip to Flanders, a Belgian region with 6 million inhabitants. Flanders is an inspiring example for waste management, with the highest recycling rates in Europe and and successfully stabilised municipal waste, which has been accomplished through a wide range of policy measures including:

- | Taxation ("smart" taxes make landfilling more expensive than incineration and incineration more expensive than recycling);

- | Bans on landfill and incineration of recyclables;
- | "Pay as you throw" (i.e., charges based on volume or weight);
- | Container parks (i.e., dedicated waste drop-off sites) that collect 50% of municipal waste;
- | Targets for waste prevention (stabilisation of waste generation at 560 kg/inhabitant by 2010), composting (25 % of households doing home composting), reuse (5 kg/inhabitant effectively reused) and limits for residual waste going to landfill or incineration (150 kg per inhabitant); and
- | Public campaigns on waste prevention.

EEB will continue promoting such examples and assist members working on an ambitious implementation of the new EU Waste Framework Directive calling for strong recycling targets and significant steps on waste prevention.

By Nathalie Cliquot, EEB Waste Policy Officer

CAMPAIGN UPDATES

What's the latest news from EEB's campaigning frontlines?



BIOFUELS

On December 9 2008, negotiators from the European Parliament, Commission and Council agreed on a new biofuels policy as part of the new Renewable Energy Directive (RED). Under this deal the Commission-proposed target of 10% renewable energy in transport has been approved, although environmentalists managed to ensure biofuels are not the only allowable energy source for meeting this target and that the impacts of the new policy will be reviewed in 2014.

At the same time the Directive requires biofuels to be "sustainable" in order to count towards this target. Although the Commission has been granted a lot of discretion in making the "sustainable" determination, it is highly unlikely that sustainably sourced biofuels will be available in the volumes needed to meet a 10% target. In fact, a number of Member States, such as Germany and the Netherlands, have already reduced their national biofuels targets following concerns on sustainability. There are a few certainties though: in 2010 the Commission will make proposals to regulate the impacts of indirect land use changes whereby all biofuels whose production requires large swathes of agricultural land will be excluded from government support by 2017.

Other proposals the Commission will bring forward during the next two years relate to extending sustainability standards to all forms of bio-energy, formats for National Action Plans (in which Member States will indicate how they will implement the Directive) and methodologies for calculating the climate impacts of biofuels.

EEB, in coordination with other NGOs, is currently preparing a more detailed analysis of the EU's new biofuel policy under the RED including suggestions for NGO actions during the implementation phase, which will start the moment the Directive will be published.

For more information contact Pieter de Pous, EEB Biofuels Policy Officer, pieter.depous@eeb.org

INDUSTRIAL POLICY

EEB recently celebrated a victory in its campaign to clean up industrial policy. As part of the decision making process on an Industrial Emissions Directive, the European Parliament's Environment Committee (ENVI) voted to increase public participation and transparency and correct major flaws in the monitoring requirements for waste incineration. The Directive on Industrial Emissions will integrate the Integrated Pollution Prevention and Control (IPPC) Directive with six sectoral Directives, addressing Large Combustion Plants, Solvents, Waste Incineration and Titanium Dioxide.

ENVI also set minimum frequency for random inspections for the large facilities covered under IPPC and outlined the framework for extending minimum environmental performance requirements to industrial sectors not yet covered under the sectoral directives. New performance requirements would be proposed by the Commission within one year of publication of the relevant Best Available Techniques Reference (BREF) document.

Unfortunately, ENVI fell short on requirements for implementing Best Available Techniques (BAT). It did not support having permit conditions reconsidered within two years of the publication of a revised BREF, which will delay the consistent uptake of BAT and the drive for innovation.

The basic principle in the Commission's proposal that Emission Limit Values (ELVs) should not exceed the associated BAT emission levels was

also weakened. Successful implementation of the new text proposed by the Environment Committee would depend on the robustness of monitoring and reporting requirements, which may be carried out unevenly within Member States. ENVI also seriously weakened legal requirements relating to soil and groundwater protection. In addition, it did not take up EEB's recommendation for large combustion plants to tighten up ELVs in line with the strictest BAT standards.

EEB will continue to work toward tightening up specifications regarding the use of BAT as the Directive moves forward to Council and Parliament.

For a press release reacting to the ENVI vote, go to <http://www.eeb.org/press/2009/IPPC-PR-230109-FINAL.doc>

For more information contact Christian Schaible, EEB Industrial Policy Officer, christian.schaible@eeb.org

To see a recent publication regarding implementation of the IPPC Directive in the chlorine industry in Europe, published as part of EEB's Zero Mercury Campaign, go to: http://www.zeromercury.org/EU_developments/081218EEB_Report_European_MCCAPsDRAFTfinal.pdf





HOT OFF THE PRESS!

Recent EEB press
alerts and Media
coverage



IPPC DIRECTIVE TOOTHLESS ON MERCURY PHASE-OUT

EEB has published an assessment of EU legislation on improving the environmental performance of the EU chlor-alkali sector, focusing on the use of mercury in the chlorine production industry. Based on the conclusions of this study, EEB emphasises the need for separate legislation for this industry and for setting a sunset date for this obsolete process.

The report shows that the Industrial Pollution Prevention and Control (IPPC) Directive is not helping to phase out mercury from mercury-cell chlor-alkali plants (MCCAP) and rather encourages business as usual. The permits confirm the status quo instead of addressing the aims of the EU Mercury Strategy to reduce use and emissions of mercury, which has been shown to be bioaccumulative and damage the central nervous system. The mercury-cell process is not the Best Available Technique (BAT) for this sector and mercury-free alternatives have been commercially available since the 1980s. Furthermore, the EU's chlorine industry reports an average of 41 tonnes of unaccounted mercury per year, much of which ends up released into the environment.

Full press release at:

http://www.zeromercury.org/press/081218_PR_EEB_0Hg_Chlor-AlkaliPubFinalREV.pdf

Snapshot report on implementation of the IPPC directive and its impact on the chlorine industry:

http://www.zeromercury.org/EU_developments/ChlorAlkali-1208-FINAL.pdf



SOLUTIONS TO THE FINANCIAL CRISIS MUST BE ECOLOGICALLY SOUND

EEB is urging the inclusion of ecological criteria in any package designed to help bail the world out of the current global financial crisis. EEB prepared a letter addressed to heads of European governments and the Commission, urging a solution that is sustainable in all respects.

At an emergency meeting in November, European heads of state outlined key points and agreed language for a coordinated European response to the financial crisis, a position which disturbingly does not include any environmental criteria and only mentions climate change in passing. EEB is concerned that in an effort to achieve quick solutions, leaders will give in to the temptation to put too much emphasis on short-term profits instead of focussing on the long term interests of workers, the environment and the maintenance and strengthening of its carrying capacity and society as a whole.

EEB contends that similar to monetary capital, global natural capital has been exposed to greedy short-term profiteering. Likewise, while granting credit has not been based on real earning capacity, our consumption of natural resources in the last decades has also exceeded the earth's carrying capacity. This double-edged unsustainable behaviour must be addressed from both sides.

For the complete press release go to:

http://www.eeb.org/press/2008/101108-pr_solutions_financial_crisis.html

For a copy of the letter sent to EU heads of government go to:

http://www.eeb.org/documents/101108-Letter_FinancialCrisis_FINAL.doc



EUROPE IS ON ITS WAY TO MISSING ITS BIODIVERSITY TARGET

EEB calls for an "Ecosystem Rescue Plan"

Reacting to the publication of the European Commission's mid-term review of its Biodiversity Action Plan, EEB is calling for a rescue plan to avert the planetary bankruptcy that will occur if biodiversity loss continues. EEB believes an "ecosystem rescue plan" should be adopted by 2010 and focus on revision and better implementation of existing policies, recycling and development of natural resources policy based on resource sufficiency goals.

The target of halting the loss of biodiversity by 2010 was adopted in 2000 by EU heads of state as part of the bloc's Sustainable Development Strategy and in recognition of the importance of biodiversity for ensuring ecosystem functionality and human well-being. In 2006 the EU adopted a Biodiversity Action Plan detailing how the target should be met. According to the Commission's mid term report, Europe will almost assuredly miss this target.

Full press release at:

http://www.eeb.org/press/2008/161208-PR_BAP_Midterm_review_FINALpdf.pdf

Sample Press coverage at:

<http://www.ens-newswire.com/ens/dec2008/2008-12-30-01.as>

REFORM OF COMPANY CAR TAX IN GERMANY: URGENT AND LONG OVERDUE

INTRODUCTION

Passenger vehicles account for approximately 11% of Germany's GHG emissions. Approximately one quarter of this total is created by company cars. Because company cars account for more than 60% of all new car purchases, the decisions of companies today are shaping the fleet of tomorrow – and not for the better. Reform is urgently needed to dismantle Germany's massive annual subsidy (i.e., 9 billion Euros in tax breaks) of high-emitting company cars. When businesses purchase a company car, or buy fuel to run it, they deduct these costs from pre-tax profits – the more expensive the car, the greater the deduction. For example, 75% of all Maseratis in Germany are company cars, which demonstrates how this tax break is really a perverse subsidy.

In response to this problem, Green Budget Germany and Greenpeace Germany have developed a reform proposal to be introduced in three 2-year stages and oriented towards EU emissions targets. First, legislation should shift the balance in favour of low-emissions vehicles for companies treating vehicle purchase and fuel consumption as a business expense. Second, legislation relating to the private use of company cars should also be reformed and linked to CO₂ emissions.

A GREENER APPROACH TO VEHICLE PURCHASE AND FUEL CONSUMPTION

To bring about change, we propose introducing a graduated scheme to reward businesses for purchasing and running low-emissions vehicles. Our proposal introduces a graduated bonus-malus system linked to CO₂ emissions. Under this scheme, businesses would be able to deduct more – as much as 140% – of purchase price and fuel costs for the greenest company vehicles, while a reduced percentage of total cost would be tax deductible for extremely high-emitting vehicles.

Based on current statistics, far more cars in the existing German fleet would lose deductions as a result of such legislation than would profit from it because target emissions levels for 2009 have been set at 140g/km (in line with EU legislation), while the average new car in Germany emits 170g/km. These numbers reveal the urgent need to correct the imbalance in the taxation system and send business the right signals to innovate and modify behaviour.

GREENER BENEFITS FOR EMPLOYEES

Our reform proposal also links private use of company cars to CO₂ emissions, rewarding low emitters and taxing high emitters. Currently, if employees wish to use their company car at home as well as at work, they are required to include the 'benefit-in-kind' (BIK) derived from using this car in their personal income tax calculation. BIK is calculated as 1% of the car's new purchase price per month. Thus, if the car purchase price is 25,000 Euros, the BIK is worth an additional 250 Euros per month or 3,000 Euros per annum – comparatively little money for what often amounts to the unlimited private use of a company car.

This piece of legislation should be reformed along similar lines as the scheme described above, wherein the flat rate of 1% per month would be replaced with a variable rate related to CO₂ emissions. Thus, the BIKs for employees driving low-emission vehicles would be calculated at a lower percentage rate than for the drivers of high-emitting vehicles, which could amount to as much as 30% of the purchase price a year and would make use of high-emitting company cars less desirable.

CONCLUSIONS

There is little doubt that such reforms would have a positive impact on the German fleet and thus on CO₂ emissions from passenger vehicles. The incentive effect is clear: based on our proposal, a VW Polo (Blue Motion) would be subject to almost €1,500 less tax while a BMW X5 would require an impressive €11,000 more. In total, the additional tax revenue would amount to between €2.5 and 4 billion – a considerable fiscal incentive for innovation and behavioural changes.

If 1.8 million company cars are purchased each year and they reduce 25% CO₂ emissions by 2020, it would be equivalent to taking 2.5 to 5 million cars off the road. A reform with a potential impact of this magnitude is simply an absolute must.

By Jacqueline Cottrell, Green Budget Germany
(EEB Member Organisation)

For more information:
<http://foes.de/de/dienstwagen.php>

> Continued from page 1

A major issue for the heavy industry and energy production sector was payments (auctioning) for CO₂ emission rights. This is where industry lobby activities mostly concentrated, with considerable results. The "Polluter Pays Principle" was heavily compromised and financial incentives to invest in energy efficiency and clean energy production were severely weakened.

Poznan was an important conference on the road to Copenhagen, where an agreement must be reached for global climate policies from 2012. With the hopes that Obama will bring change to the US position, attention is turning to large emerging economies, led by China, India and Brazil. I am convinced their political leaders know that climate change is happening and that it needs a global response, but they have a point about the responsibility of the industrialised countries for the damage already done and their per capita emissions, which will continue to remain very low compared with ours. The EU and the US can only convince them to change if they show ambitious and reliable action at home and offer substantial financial and technological support for climate action in the rest of the world. In particular, this financing will be the biggest issue for the Commission and Member States in the coming months. The refusal in December to agree on a percentage of domestic auctioning income for this purpose was a bad start.



These results create doubts about whether the already weak EU target of 20% GHG reduction by 2020 will even be met. There is growing evidence that climate change is hitting harder and faster than we expected even a few years ago. In the coming decades the younger generation will face problems that make the current financial crisis look like child's play if larger and earlier cuts in GHG emissions do not occur. The cuts are necessary to prevent serious floods, droughts and disturbances in ecosystems that will create pestilence and food shortages, impacting people's quality of life and economic progress, ultimately leading to tensions and violence, locally and globally.

For additional analysis of the environmental results of the French presidency, see article on page 2 and further analysis on the EEB website:
www.eeb.org (in French and English)

ARE MANUFACTURERS REALLY RESPONSIBLE FOR THEIR OWN E-WASTE?



The new Commission proposal to revise the electronic waste directive (WEEE¹) has triggered an unprecedented industry roar regarding the extent of producer responsibility. Perhaps in response to this opposition, the final proposal does not retain earlier DG Environment suggestions to make producers financially responsible for the full cost of collecting electronic waste (e-waste) from private households. Instead, it merely invites Member States to consider this as an option.

Currently, manufacturers are legally obliged to contribute financially for the collection and treatment of e-waste but only for the costs occurring after the waste is actually collected by municipalities or retailers. This means collection costs are still partly covered by tax-payers, which is at odds with the very concept of producer responsibility.

This limitation of producer responsibility also has side-effects. Since municipalities and retailers are not fully compensated for establishing e-waste collection systems, they are more likely to deal directly with recycling companies or waste brokers instead of delivering e-waste to established schemes funded by producers. As a result, a significant portion of e-waste is escaping from official collection routes, which means there is no guarantee it will be treated according to environmental and health standards, and it may even be shipped to third world countries that often have inadequate treatment (not to mention the environmental impacts of transporting waste thousands of miles).

The original directive's principle of individual producer responsibility (IPR), which means producer are responsible for the collection and disposal or recycling of their own products, has in theory remained untouched by the revision process. The goal of IPR is to internalise environmental costs by creating market incentives for producers to design more durable products that are easier to dismantle, repair and recycle. Unfortunately, IPR is still struggling to find its way into national legislation.

Most established producer responsibility schemes are currently collective, splitting end-of-life costs

between producers according to their market shares. For the consumer, such systems often translate into a so-called "visible fee," which shows end-of-life costs separately from the price of an appliance at the time of purchase. This system is allowed in the current WEEE directive for a transitional period (until 2013) but only for "historical e-waste," i.e., products manufactured before the WEEE directive entered into force.

EEB is extremely concerned about the possible extension of visible fees to all types of e-waste (historical and new) as suggested in the new Commission proposal. This extension would create a barrier to applying the principle of IPR, which strives to internalise costs within the price of the appliance. Since all appliances within the same product group in each country, e.g., all toasters, all refrigerators, etc., are given the same flat fee for end of life costs, there is no incentive for manufacturers to increase the durability and the recyclability of their products. Therefore, EEB believes the expanded use of visible fees is a threat to the WEEE Directive's most original and forward-thinking provision on creating design incentives for greener products.

By Nathalie Cliquot, EEB Waste Policy Officer

¹ Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)

MORE TRANSPARENCY OR MORE RESTRICTED ACCESS TO DOCUMENTS - WHAT WILL WE GET?

Better access to information, transparency in governance and public participation are fundamental rights ensuring that citizens can participate effectively in the political process. These principles have always been at the heart of EEB's objectives and work.

The 2001 Regulation¹ on access to documents held by the EU institutions was an important step forward for transparency at the EU level. Currently this Regulation is being reviewed on the basis of a set of proposals put forward by the European Commission. Despite EU Commissioner Wallström presenting the revision proposal with the words "Access to documents is an essential tool for democracy and now we want to improve it," EEB, along with other

civil society organisations and certain EU officials, is worried that the proposals may represent a step backwards rather than an improvement.

EEB welcomes certain proposals, including bringing the Regulation in line with broader provisions for access to environmental documents as required under the Aarhus Convention² to which the EU is a Party. It also supports the amendment to make EU documents available to non-citizens and non-residents of the EU. EEB is alarmed, however, that several of the other Commission proposals will restrict access to documents more than before and slow down the process of receiving them. Most worrying is the

proposal to change the definition of "document". According to the new definition an institution's document is only considered a 'document' subject to access provisions once it has been "formally transmitted to one or more recipients or otherwise registered". So documents without official status, or not formally sent from one civil servant or unit to another, would fall out of the scope of the Regulation. In this way the Commission can withhold essential pieces of information needed to understand how the Commission works and how it comes to decisions.

Furthermore, entire categories of documents would be excluded from the scope of the proposed 'transparency rules'.

> Continued on page 11

IN THE MIDST OF CRISES: SETTING A GREEN AND SOCIAL AGENDA FOR THE NEXT DECADE



Swedish Environment Minister Andreas Carlgren and EEB Secretary General John Hontelez

In 2009 two of the three main EU decision-making institutions will be refreshed. In June citizens will elect a new European Parliament and in the following period Member States will appoint a new European Commission, which must be accepted by the new Parliament before the commencement of work on 1st November. These renewals will foster new discussions about the purpose of the EU for its citizens, its focus in the coming years and how the EU can become an effective institution while increasing its credibility with its citizens and the world. These discussions will of course be influenced heavily by the economic and environmental crises we are now facing.

Therefore, this is the right moment to launch the ideas and demands that civil society has for EU decision-makers regarding what needs to be done to put the EU on an environmentally sound, socially fair, economically strong and globally responsible path. For that reason the EEB, together with the European Trade Unions Confederation (ETUC) and the Platform of European Social NGOs (Social Platform), have launched a wide civil society debate called the Spring Alliance to deliver a "Green and Social Agenda for the Next Decade" to help guide EU leadership in this direction.

The kick-off conference for this debate took place in Brussels on 29 – 30 January. We welcomed more than 100 participants who engaged in a debate with many EU-level civil society actors working on consumer interests, development, human rights and more, as well as business representatives

interested in the kind of EU leadership we are suggesting. We invited think tanks and researchers to act as advisors. The debate should lead to a common civil society agenda by June.

During the Swedish Presidency in 2009, the Spring Alliance will advocate this agenda to politicians, at EU and national levels, so that its proposals penetrate into the strategic objectives of the new Commission, new Lisbon Strategy (to be decided in March 2010), frameworks of future EU-budgets (cohesion policy, agriculture, research and innovation), 7th Environmental Action Programme and more. We hope the agenda will lead to a new Sustainable Development Strategy that would function expressly as the overarching driver for all EU political and financial tools.

The biggest ecological threat of our day comes from the overuse of natural resources and continuous growth, which is not simply related to increasing prosperity in "emerging economies." These threats cannot be tackled solely using traditional regulatory tools. The solutions need to come from sectoral policies (energy, transport, agriculture, industry), research and innovation, horizontal financial incentives (environmental fiscal reform, abolishing environmentally perverse subsidies, greening public procurement), international cooperation and behavioural changes spurred by education, communication and ethical awareness. We believe that an agenda that includes such strong economic, social, cultural and international dimensions can only be formulated by a broad civil society movement.

While the current economic crisis complicates matters in some regards, it has also created awareness that business as usual is not an option. The most direct victims of the economic crisis are those losing their jobs. Job loss triggers trade-unions and politicians to demand measures to protect and increase employment. In the last few years it has been proven that ambitious environmental policies are actually great job-creation opportunities, which is something that we need to build upon.

The European Commission understands the potential of green investments, as shown in its "European Economic Recovery Plan" presented in November 2008. The Plan says, "We are witnessing the beginning of a major structural shift towards a low carbon economy," which will create an opportunity for "new businesses, new industries and millions of well-paying jobs." It argues that Member States should focus on investments in energy efficiency in buildings, environmentally friendly transport infrastructure and better energy interconnections. It calls upon Member States to redirect structural funds toward energy-efficiency investments, including when funding social housing, and proposes VAT-reduction rates for energy-efficient buildings. EEB supports substantially increased investment in this area and intends to campaign with our members for strong follow-up to the Plan. However, since the focus of the Plan is only on energy efficiency, and resource efficiency and biodiversity protection are equally as important environmentally, it is up to the Spring Alliance to ensure that this short-term recovery plan is followed up by a green and social agenda that leads the EU and the world toward sustainability over the long term.

By John Hontelez, EEB Secretary General



Please visit the new Spring Alliance website at www.springalliance.eu
For more information on EEB's contribution to the Spring Alliance's green and social agenda, go to <http://www.eeb.org/documents/SpringAllianceKickOff270109.pdf>

A CONFERENCE ON ENERGY EFFICIENCY IN HOUSING: EU TOOLS TO UNLOCK THE POTENTIAL



The building sector accounts for more than one third of the EU's energy consumption and CO₂ emissions. In this time of climate and energy crises, EEB, together with CECODHAS (European Committee for Social Housing), co-organised a high-level conference "**Energy efficiency in housing: EU tools to unlock the potential**" on 9 December 2008. The conference's focus was on energy efficiency in buildings, to help examine what is at stake and how we can maximise the energy-saving potential in this sector, thereby contributing to the fight against climate change. As the Commission's draft recast Energy Performance of Buildings Directive¹ shows, the largest cost-effective energy savings potential lies within the building sector. According to Commission statistics, this sector could achieve 30% energy savings by 2020, which would reduce EU total energy consumption by around 11%. Since European leaders have committed themselves to reducing primary energy consumption and greenhouse gas (GHG) emissions by 20% with a 20% share of renewables by 2020, the time to address energy in housing has arrived.

The joint conference brought together people from various backgrounds and interests. Participants included EURIMA (European Insulation Manufacturers Association), WWF, EEB member organisations, officials from the European Parliament, European Commission, EU Member States, the French Presidency and future

Czech Presidency, as well as representatives from associations such as trade unions, tenants, landlords and local and national administrations. The participants discussed possible ways of unlocking the energy savings potential and exchanging information on what was happening to this effect at the national level. The main achievement of the conference was this exchange of ideas, allowing people from different backgrounds and regions to see what others are doing and look for possibilities for co-operation.

After the success of the conference, EEB registered interest from a number of our members and other organisations to cooperate on future work. To that end, EEB collaborated once again with CECODHAS and the ETUC (European Trade Union Confederation) to prepare a follow-up to this meeting during EU Sustainable Energy Week in February 2008. The success of these two conference shows how representatives of civil society have a crucial role to play in helping EU decision-makers develop and implement smart policies.

By Dr. Pendo Maro, EEB Energy Policy Officer

For more information on the Sustainable Energy Week conference in February, visit the European Union's Sustainable Energy Week website at <http://www.eusew.eu/>

¹ COM(2008)780 final

> Continued from page 9

This concerns documents submitted to courts and those informing investigations by EU institutions, which will likely lead to an increase in refused access to documents during infringement procedures initiated by civil society groups regarding breach of environmental laws. More than a quarter of the cases the Ombudsman³ dealt with in 2007 concerned lack of transparency.

EEB is particularly upset that in spite the Commission's rhetoric, there is no improvement in sight on these issues. Excluding such documents from the scope of the regulation is unacceptable and goes against recent case law and recommendations made by the Ombudsman. In a democracy access to information should be the guiding principle and exceptions only granted in special cases.

EEB has complained to the Ombudsman, which supported our assertion that the Commission should have given us documents it used to approve the construction of a new harbour on Tenerife in a nature area. In this case, as is frequently true, the Ombudsman's conclusions are not being followed by the Commission. Therefore, EEB supports giving the Ombudsman greater powers and making their advice binding.

A Parliamentary vote has been scheduled for March and EEB is calling on Parliament to do everything it can to grant citizens better access to documents; we hope they consider that supporting citizens' rights is in Parliament's interests in an election year. The proposal is likely to go to Ministerial level in the second half of this year during the Swedish EU Presidency. Sweden is known for transparency in government so we are counting on the Swedish Presidency to prevent a roll back of openness and transparency.

By Regina Schneider, EEB Head of Communications

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 - Regarding Public Access to European Parliament, Council and Commission Documents (OJ L 145, 31.5.2001)

² Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters

³ The Ombudsman is the body set up by the European Parliament to investigate complaints from citizens about malfunctioning of EU Institutions.



How do you like the new look for Metamorphosis? Send feedback to press@eeb.org

This Newsletter is produced by the European Environmental Bureau (a.sbl) (EEB). EEB is the largest federation of environmental citizens' organisations in Europe. It groups together over 150 member organisations from more than 30 countries.

Editor responsible: John Hontelez - EEB Secretary General

Editor-in-Chief: Vanessa Bulkacz - EEB Press and Publications Officer

EEB: Boulevard de Waterloo 34 - 1000 Brussels - Belgium - Tel: +32 289 1090 - Fax: +32 2 289 1099 - Email: eeb@eeb.org - www.eeb.org - www.participate.org - www.springalliance.eu - www.newngoforum.org - www.zeromercury.org

Publication free of charge.

Printed on 100% recycled, chlorine-free paper using vegetable ink.

Production : fuel. - www.fueldesign.be

EEB gratefully acknowledges the financial assistance for this newsletter from the European Commission and the governments of the Netherlands, Czech Republic, Estonia, Finland and the United Kingdom. This publication reflects the authors' views and does not commit the donors.

Image on page 1: © Clint Spencer

Images on pages 6, 7, 9 and 11 appear courtesy of www.energypicturesonline.com

Image on page 5: © Peter Gustafson

Images on pages 2, 4 and 6 appear courtesy of Creative Commons licensing.

Image on page 8: © Dainis Derics

RECENT EEB PUBLICATIONS

Snapshot report: Is national implementation of the IPPC Directive contributing to a mercury-free chlor-alkali industry? Results of an NGO Survey (Dec. 2008): http://www.zeromercury.org/EU_developments/ChlorAlkali-1208-FINAL.pdf

EEB's assessment of the French Presidency (December 2008): <http://www.eeb.org/publication/2008/French%20Assessment-1208FINALFINAL.pdf>

EEB's Annual Conference Report 2008: Turning the Tide on Sustainable Consumption and Production in Europe (Published December 2008) <http://www.eeb.org/publication/2008/2008AnnConfReport-FINAL>

Discussion paper: The path to sustainable use of chemicals in products- the European Ecolabel as a signpost (December 2008): <http://www.eeb.org/publication/2008/Dec08-Ecolabel+Chems-FINAL.pdf>

EEB's Memorandum to the Czech Presidency of the EU, including the Ten Green Tests (January 2009): <http://www.eeb.org/publication/2009/CZMemoJan09-FINALDOCwithcover.pdf>

Conference Report: Mercury Containing Lamps under the Spotlight (December 2008) http://www.zeromercury.org/EU_developments/090127EEBHg-in-Lamps-ConferenceReportEdited.pdf

NEW STAFF

In January EEB bid a fond farewell to Chantal de Meersman, who retired after serving as EEB's Executive Secretary for almost seven years. Now EEB is pleased to welcome the following new staff members who have all joined us in recent months:

Ritalee Birabwa, Administrative Assistant

Ritalee joined EEB at the end of 2008 to take up this newly created position. With one foot in the Finance and Administration Unit and the other in the Secretary General's Unit, you'll see her solving problems, coordinating, making sure everything is in order or simply assisting the Secretary General in his daily work. Working with international organisations and NGOs connected to EU institutions has helped shape her views on issues such as economics, politics and the environment; she believes now is the time for collective effort to achieve practical results on these pressing issues.

Isabel de Jesus Fonseca, Head of Unit, Finance, Administration and Personnel

Isabel also joined EEB at the end of 2008 to oversee the running of EEB's finance, administration and personnel operations. Isabel is of Portuguese background, born in Belgium, who joined EEB after working in the cultural sector. When Isabel

is not steering her departments, she's most likely doing step and kickpower and singing (her new ambition is becoming a well known green singer).

Nurcan Küçükbinar, Secretary

Nurcan joined EEB at the start of 2009 to replace Chantal as EEB's Secretary. She is responsible for a multitude of tasks including reception, administration and coordination, helping staff on day to day work as well as assisting the Secretary General. Nurcan joins us after working as a secretary in the banking sector and is originally from Turkey. On the weekends you might find her strolling in Brussels city centre or taking in a movie.

Sabrina Bijlsma, Sustainability Agenda Project Coordinator

Sabrina started at EEB at the beginning of 2009 in another newly created position, the coordinator for the Spring Alliance campaign, a new European sustainability project EEB is undertaking in conjunction with Brussels-based social and labour NGOs. Sabrina has been active in European and international environmental affairs for a number of years and sees the sustainable development dimension of environmental policy as an interesting challenge. Sabrina is originally from the Netherlands

and in her free time likes to enjoy all the cultural and culinary things Brussels has to offer.

Anna Lind, Zero Mercury Campaign Project Officer

Anna also joined EEB at the beginning of the year and will be assisting Elena Lymberidi-Settimo with the highly successful Zero Mercury Campaign. Anna is originally from Sweden but did a Ph.D. in Australia on risk management when using mercury in products and processes. Before EEB she researched clean coal energy technologies in Australia, worked at WWF in Sweden, ECL Ecology Consultancy in London and was active in the United Nations Association of Australia. When she's not trying to stamp out mercury Anna likes to spend time with friends and family, read, scuba dive and travel.



L to R: Stagiaire Ella Gustafsson, Sabrina Bijlsma, Ritalee Birabwa, Isabel de Jesus Fonseca, Nurcan Küçükbinar, Anna Lind.